



Notice of Service of Process

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Transmittal Number: 27493928
Date Processed: 08/18/2023

Primary Contact: Walgreens Distribution
Corporation Service Company- Wilmington, DELAWARE
251 Little Falls Dr
Wilmington, DE 19808-1674

Entity: Walgreen Co.
Entity ID Number 0501431

Entity Served: Walgreen Co

Title of Action: David Lynn Wawracz vs. Walgreen Co.

Matter Name/ID: David Lynn Wawracz vs. Walgreen Co. (14490214)

Document(s) Type: Summons/Complaint

Nature of Action: Personal Injury

Court/Agency: Hennepin County District Court, MN

Case/Reference No: Not Shown

Jurisdiction Served: Minnesota

Date Served on CSC: 08/17/2023

Answer or Appearance Due: 21 Days

Originally Served On: CSC

How Served: Personal Service

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EXHIBIT A

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Personal Injury

David Lynn Wawracz,

Plaintiff,

v.

SUMMONS

Walgreen Co., and USM, Inc.,

Defendants.

To: Walgreen Co., 2345 Rice Street, Suite 230, Roseville, Minnesota 55113.

1. YOU ARE BEING SUED. The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

2. YOU MUST REPLY WITHIN 21 DAYS TO PROTECT YOUR RIGHTS. You must give or mail to the person who signed this Summons a **written response** called an Answer within 21 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at: Ryan O. Vettleson, Newmark Storms Dworak LLC, 222 South 9th Street, Suite 470, Minneapolis, Minnesota 55402.

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not Answer within 21 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

NEWMARK STORMS DWORAK LLC

Dated: August 16, 2023

s/Ryan O. Vettleson
Jeffrey S. Storms, #0387240
Ryan O. Vettleson, #0312915
222 South 9th Street, Suite 470
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jeff@newmarkstorms.com
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Attorneys for Plaintiff

MINN. STAT. § 549.211 ACKNOWLEDGEMENT

I, on behalf of Plaintiff, hereby acknowledge that sanctions may be imposed pursuant to Minn. Statute § 549.211.

Dated: August 16, 2023

s/ Ryan O. Vettleson
Jeffrey S. Storms, #0387240
Ryan O. Vettleson, #0312915

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

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Case Type: Personal Injury

David Lynn Wawracz,

Plaintiff,

v.

Walgreen Co., and USM, Inc.,

Defendants.

Case No. _____

COMPLAINT

JURY TRIAL REQUESTED

For his Complaint, Plaintiff David Lynn Wawracz ("Wawracz") hereby states and alleges upon knowledge, information, and belief:

The Parties

1. Wawracz was at all times material hereto a 77-year-old resident of the City of Robbinsdale, County of Hennepin, State of Minnesota.

2. Walgreen Co. is a foreign corporation with a principal place of business in Deerfield, Illinois, but registered to do business in Minnesota. Its registered office address in Minnesota is 2345 Rice Street, Suite 230, City of Roseville, County of Ramsey, State of Minnesota. Walgreen Co. operates a national chain of Walgreens drugstores.

3. Walgreen Co. operates a Walgreens drug store at 4100 W. Broadway Ave, Robbinsdale, MN, where the subject incident occurred on December 5, 2021.

4. USM, Inc. (“USM”) is a foreign corporation with a principal place of business in Pennsylvania but registered to do business in Minnesota. Its registered office address in Minnesota is 2345 Rice Street, Suite 230, City of Roseville, County of Ramsey, State of Minnesota.

5. USM was at all times material hereto an HVAC and facility maintenance company hired by Walgreens for snow and ice removal service.

6. USM advertises online that “Others see it as snow removal, we see it as risk removal.”

Jurisdiction and Venue

7. This Court has jurisdiction over all parties.

8. Venue is proper pursuant to Minn. Stat. § 542.09 as the cause of action arose in Hennepin County.

The Incident

9. On the morning of December 5, 2021, at the Robbinsdale Walgreens, there was a sheet of ice on the sidewalk and parking lot surface that was not open and obvious.

10. The Robbinsdale Walgreens holds itself open to the public.

11. At approximately 9:15 a.m. on December 5, 2021, well after all precipitation had stopped and after Walgreen Co. and USM had had a reasonable opportunity to clear the snow and ice, Wawracz was walking on the paved sidewalk approaching the Robbinsdale Walgreens entrance.

12. There was no salt on the ground to ensure that the sidewalk was safe to walk on.

13. There was no other maintenance of the sidewalk to ensure the safety of the customers.

14. There were no warning signs of ice or slippery conditions to alert customers to the danger.

15. As Wawracz was walking, he slipped on some ice and fell sideways and backwards.

16. Wawracz hit the right-top side of his head on the brick wall as he fell.

17. Wawracz also hit the back of his head on the cement sidewalk.

18. Wawracz was transported by ambulance to North Memorial Hospital in Robbinsdale, MN.

19. According to the ambulance report, Wawracz appeared unsteady when paramedics arrived. He was being held upright by a bystander.

20. Wawracz was admitted to North Memorial Hospital for an overnight stay and discharged on December 6, 2021.

21. Wawracz was diagnosed with a bilateral falcine subarachnoid hemorrhage, which is bleeding of the brain, a left elbow abrasion, and a one cm laceration to his scalp requiring a staple as a result of this fall.

Second Hospitalization

22. In the following weeks, Wawracz suffered from headaches, neck pain, severe confusion, and forgetfulness.

23. On January 21, 2022, on orders from his primary care physician, Wawracz had an MRI that revealed that his condition was worse than initially realized, showing “new but subacute appearing bilateral subdural hematomas when compared to the prior CT examination.”

24. Wawracz’s primary care physician directed him to the Emergency Department, where Neurosurgery consulted and recommended that Wawracz be admitted to the neuro ICU for further management.

25. As a result of Wawracz’s physical state, he underwent a bilateral craniotomy.

26. Below are images of Wawracz’s incisions post-surgery:



27. Wawracz was not discharged from the hospital until January 27, 2022, and continued to manage his injury for months afterwards with physical and occupational therapy.

28. As a direct and proximate result of this incident, Wawracz has incurred more than \$130,000 in medical bills.

29. Defendants violated their duty to use reasonable care to protect Wawracz and other customers from an unreasonable risk of harm caused by the conditions of the premises.

30. Defendants were or should have been aware of the icy conditions that existed on the sidewalk on the premises.

31. Defendants failed to exercise the reasonable care required under the circumstances to ensure the safety of persons lawfully entering Walgreens's premises and utilizing the sidewalk.

32. Defendants failed to warn Walgreens's customers and other pedestrians of the dangerous conditions of the sidewalk.

33. As a direct and proximate result of Defendants' negligence, Wawracz continues to suffer from symptoms following the slip and fall, including confusion, major memory loss, exhaustion, reduced mental capacity, and emotional distress .

WHEREFORE, Plaintiff David Lynn Wawracz prays for judgement as follows:

1. A money judgement against the defendants for an amount in excess of Fifty Thousand (\$50,000) Dollars, together with pre-and post-judgment interest, costs, and disbursements.

2. For such other and further relief as this court deems just and equitable.

NEWMARK STORMS DWORAK LLC

Dated: August 16, 2023

/s/ Ryan O. Vettleson
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MINN. STAT. § 549.211 ACKNOWLEDGEMENT

I, on behalf of Plaintiff, hereby acknowledge that sanctions may be imposed pursuant to Minn. Statute § 549.211.

Dated: August 16, 2023

/s/ Ryan O. Vettleson
Jeffrey S. Storms, #0387240
Ryan O. Vettleson, #0312915